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10/668,557	09/23/2003	Sankaralingam Ramraj	2003 P 09371 US	2582

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Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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SQUIRES, ELIZA A

ART UNIT	PAPER NUMBER
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3626

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01/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/668,557	<b>Applicant(s)</b> RAMRAJ ET AL.	
	<b>Examiner</b> Eliza Squires	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13, 19-22 and 26-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13, 19-22 and 26-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 November 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/11/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. The Amendment filed November 11, 2008 has been entered claims 1-10, 13, 19-22, and 26-37 are pending in the application. Claims 11-12, 14-18, and 23-25 have been cancelled. Claims 1, 19, and 26 have been amended. Claims 29-37 have been added.

### ***Specification***

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. The abstract of the disclosure is objected to because it is not concise as it contains over 150 words, examiner obtained a count of 216 words. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 1-8, 10, 19-22, and 27-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,269,578 to *Sweeney* in view of “Replacing Personally-Identifying Information in Medical Records, the Scrub System” by *Sweeney* hereinafter referred to as *Scrub System*.

5. **As to claim 1**, *Sweeney* discloses a method for checking for patient information in a data stream in a medical records system comprising:

transferring the data stream in the medical records system; extracting a portion of data from the data stream (column 5, lines 31-61 and column 6, lines 14-29);

automatically determining whether the portion of data comprises patient information (column 6, lines 30-62, column 5, lines 58-61, and figure 5); and

modifying the portion of data if it comprises patient information so that the modified portion of the data is independent of the patient information (column 6, lines 30-62, column 5, lines 58-61, and figure 5 wherein “444444444” is independent of “819491049”).

While *Sweeney* strongly suggests the use of sequences it does not explicitly disclose using comparisons to database sequences to determine Patient Health Information (PHI). *Scrub System* discloses automatically comparing the portion of data with a predetermined sequence in a database (page 3, table 3, Computer Approach section, and introduction).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sweeney* with *Scrub System* in order to utilize an algorithm that identifies PHI which protects patient privacy and prevents the occurrence of HIPAA violations.

6. **As to claim 2**, see the discussion of claim 1. *Sweeney* further discloses the method wherein transferring the data stream in the medical records system comprises generating a report comprising the data stream (column 6, lines 21-29).

7. **As to claim 3**, see the discussion of claim 1. *Sweeney* further discloses the method wherein transferring the data stream in the medical records system comprises inputting the data stream into the medical records system (column 5, lines 58-61).

8. **As to claim 4**, see the discussion of claim 1. *Sweeney* further discloses the method wherein transferring the data stream in the medical records system comprises sending the data stream to a peripheral device (column 5, lines 53-58).

9. **With respect to claim 5**, see the discussion of claim 1, however, *Sweeney* does not explicitly disclose parsing. *Scrub System* discloses the method wherein extracting a portion of data from the data stream comprises parsing the data stream (page 1, computational architectures section, 1<sup>st</sup> paragraph).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sweeney* with *Scrub System* in order to utilize a system that is capable of identifying various types of text within a document that may contain PHI in order to protect patient privacy and prevent HIPAA violations.

10. **With respect to claim 6**, see the discussion of claim 1, however, *Sweeney* does not explicitly disclose comparing data with a format. *Scrub System* discloses the method wherein

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automatically comparing the portion of data with a predetermined sequence in a database comprises automatically comparing the portion of data with a predetermined format (page 1, computational architectures section, 1<sup>st</sup> paragraph, page 3, table 3, and page 2, Computer Approach section).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sweeney* with *Scrub System* in order to utilize a sequence identifying algorithm that identifies PHI which protects patient privacy and prevents the occurrence of HIPAA violations.

11. **As to claim 7**, see the discussion of claim 1, however, *Sweeney* does not explicitly disclose using rules to specify a sequence of characters. *Scrub System* discloses the method wherein automatically comparing the portion of data with a predetermined sequence in a database and determining whether the portion of data comprises patient information based on the comparison comprises using rules to specify a sequence of characters that includes patient information (page 3, table 3, page 2, Computer Approach section, and page 1, introduction).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sweeney* with *Scrub System* in order to utilize a sequence identifying algorithm that identifies PHI which protects patient privacy and prevents the occurrence of HIPAA violations.

12. **As to claim 8**, see the discussion of claim 1 and 7, additionally, *Sweeney* discloses the method wherein the rules comprise an expert system (column 7 lines 10-19).

13. **As to claim 10**, see the discussion of claim 1. *Sweeney* further discloses the method wherein modifying the portion of data comprises modifying content of the portion of data (column 7, lines 27-31).

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14. **As to claim 19**, *Sweeney* discloses a computer-based system for monitoring patient information in a medical records system, said computer-based system comprising:

a transfer device for transferring a data stream in the medical records system (column 6, lines 14-29 and column 5 lines 58-61);

and determining whether the portion of the data stream comprises patient information and based on that comparison and modifying the portion of the data stream so that the modified portion of the data is independent of the patient information (column 6, lines 30-62, column 5, lines 58-61, and figure 5 wherein “444444444” is independent of “819491049”).

However, *Sweeney* does not explicitly disclose using comparisons to database sequences to determine PHI. *Scrub System* discloses a memory storing predetermined sequences of patient information (page 3, 2<sup>nd</sup> column 3<sup>rd</sup> and 4<sup>th</sup> paragraphs and table 3, and page 4, first paragraph) ; and

a processor being coupled to the memory and the transfer device, the processor comparing a portion of the data stream with at least one predetermined sequence in the memory and determining whether the portion of the data stream comprises patient information based on the comparison (page 2, Computer Approach section).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sweeney* with *Scrub System* in order to utilize an algorithm that identifies PHI which protects patient privacy and prevents the occurrence of HIPAA violations.

15. **With respect to claim 20**, see the discussion of claim 19. *Sweeney* further discloses the computer-based system wherein the transfer device comprises an input device (column 5, lines 31-61).

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16. **With respect to claim 21**, see the discussion of claim 19. *Sweeney* further discloses the computer-based system wherein the data stream comprises a generated report (column 5, lines 53-61, column 6, lines 14-29, and figure 5); and wherein the transfer device comprises an output device (column 5, lines 53-61).

17. **As to claim 22**, see the discussion of claim 20. *Sweeney* further discloses the computer-based system of claim 19, wherein the memory further comprises rules (column 7 lines 10-19).

However *Sweeney* does not explicitly disclose utilizing a sequence of characters. *Scrub System* discloses:

wherein the processor comparing a portion of data with at least one predetermined sequence in the memory and determining whether the portion of the data stream comprises patient information based on the comparison comprises using the rules to specify a sequence of characters that includes patient information (page 3, table 3, Computer Approach section, and page 1, introduction).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sweeney* with *Scrub System* in order to utilize a sequence identifying algorithm that identifies PHI which protects patient privacy and prevents the occurrence of HIPAA violations.

18. **As to claim 27**, *Sweeney* discloses a computer-based system for monitoring patient information in a medical records system, said computer-based system comprising:

a transfer device for transferring a data stream in the medical records system (column 5, lines 31-61 and column 6, lines 14-29);

a processor being coupled to the memory and the transfer device, the processor



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determining at least one characteristic of the data stream, determining whether a portion of data comprises patient information based on the characteristic (column 6, lines 30-41), and

modifying the portion of data if it comprises patient information so that the modified portion of the data is independent of the patient information (column 6, lines 30-62, column 5, lines 58-61, and figure 5 wherein “444444444” is independent of “819491049”).

However, *Sweeney* does not explicitly disclose utilizing predetermined sequences. *Scrub System* discloses a memory storing predetermined sequences of patient information (page 3, table 3, Computer Approach section, and page 1, introduction).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sweeney* with *Scrub System* in order to utilize an algorithm that identifies PHI which protects patient privacy and prevents the occurrence of HIPAA violations.

19. **As to claim 28**, see the discussion of claim 27. *Sweeney* further discloses the computer-based system wherein the characteristic comprises whether the data stream is a particular form (column 5, lines 31-61).

20. **As to claim 29**, see the discussion of claim 1, additionally *Sweeney* discloses the method wherein modifying the portion of data comprises replacing the portion of the data with data independent of the patient information (figure 5 wherein “444444444” is independent of “819491049”).

21. **As to claim 30**, see the discussion of claims 1 and 29, additionally, *Sweeney* discloses the method wherein the portion of data comprises a plurality of characters; and

wherein modifying the portion of data comprises replacing at least some of the plurality of characters with a same character (figure 5 “444444444”).

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22. **As to claim 31**, the claim is directed toward all of the same characters of claim 8 comprising an "X". The modification of data to an "X" is merely non-functional descriptive material. Applicant has not offered a specific benefit to using an "X" as opposed to any other repeated symbol such as the "4" of *Sweeney*. Therefore whether an "X" or a "4" is used it, does not functionally affect the method, only an appearance on a screen or print out. Therefore no limitation is presented in claim 31 that functionally differentiates itself from the art used to reject claim 30.

23. **As to claim 32**, see the discussion of claim 1, additionally *Sweeney* discloses the method wherein modifying the portion of data comprises deleting the portion of the data (figure 5 wherein the birth month and birth day are deleted).

24. **As to claim 33**, see the discussion of claim 9, additionally, *Sweeney* discloses the method wherein modifying the portion of data comprises replacing the portion of the data with data independent of the patient information (figure 5 wherein "444444444" is independent of "819491049").

25. **As to claim 34**, see the discussion of claim 19, additionally, *Sweeney* discloses the computer-based system wherein modifying the portion of the data stream comprises replacing the portion of the data stream with data independent of the patient information (figure 5 wherein "444444444" is independent of "819491049").

26. **As to claim 35**, see the discussion of claim 19, additionally, *Sweeney* discloses the computer-based system wherein modifying the portion of the data stream comprises deleting the portion of the data stream (figure 5 wherein the birth month and birth day are deleted).

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27. **As to claim 36**, see the discussion of claim 27, additionally, *Sweeney* discloses the computer-based system wherein modifying the portion of the data stream comprises replacing the portion of the data stream with data independent of the patient information (figure 5 wherein “444444444” is independent of “819491049”).

28. **As to claim 37**, see the discussion of claim 27, additionally, *Sweeney* discloses the computer-based system wherein modifying the portion of the data stream comprises deleting the portion of the data stream (figure 5 wherein the birth month and birth day are deleted).

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29. **Claims 9 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,269,578 to *Sweeney* in view of *Scrub System* and U.S. Application No. 09/866,464 to *Qamar*.

30. **As to claim 9**, see the discussion of claim 1, however, the prior art does not explicitly disclose an interactive feature between a user and the algorithm. *Qamar* discloses the method further comprising notifying a user of the portion of data which comprises patient information and suggesting options to modify the portion of data which comprises relevant information, and wherein modifying the portion of data comprises manually selecting one of the options to modify the portion of data (page 9 and 10, paragraphs [0200]-[0205]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sweeney* with *Qamar* to utilize a method of parsing data, identifying in-correct text to a user, and allowing a user to manually select options to modify the data in order to create a user friendly software program easily incorporated into existing report generation software for medical data.

31. **As to claim 26**, see the discussion of claim 19, however, prior art does not explicitly disclose an interactive feature between a user and the algorithm. *Qamar* discloses the computer-based system wherein the processor notifies a user of the portions of the data stream comprising information requiring modification and suggesting alternatives for the portions of the data stream comprising the selected information requiring modification (page 9 and 10, paragraphs [0200]-[0205]).

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32. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,269,578 to *Sweeney* in view of *Scrub System* and “HIPAA Privacy Rule and Public Health” from CDC website <http://www.cdc.gov/mmwr/preview/mmwrhtml/m2e411a1.htm> last revised on 4/11/2003.

33. **As to claim 13**, see the discussion of claim 1, however, prior art does not specifically list each type of personally identifiable information. *HIPAA Privacy Rule and Public Health* discloses the method wherein the patient information is selected from the group consisting of name, postal address, e-mail address, telephone number, social security number, and birthday (page 17, box 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sweeney* with *HIPAA Privacy Rule and Public Health* in order to comply with HIPAA rules for the types of personally identifiable information.

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***Response to Arguments***

34. Applicant's arguments filed 11 November 2008 have been fully considered but they are not persuasive.

35. The objections to the drawings are withdrawn in light of Applicant's amendment to figures 4 and 5 and the specification.

36. With regard to the objection to the abstract, the Examiner cannot find the purported amendment referred to in the applicant argument on page 10. The object is maintained.

37. The rejection under 35 U.S.C. 112 is withdrawn in light of Applicant's amendment to claim 13.

38. In regard to the rejections under 35 U.S.C. 102 (e) and 103 applicants argument that *Sweeney* and the *Scrub System* fail to replace patient information with data independent of the patient information as discussed on pages 11-13 of the remarks is not persuasive. Applicant does not provide a definition for the phrase “independent of the patient information”. Examiner interprets the phrase “independent of the patient information” as meaning that modified information upon its appearance cannot be identified as the first information. In considering the entirety of the reference of *Sweeney*, the reference does in fact teach such a limitation. In figure 5 of *Sweeney* a mask is used for the social security number, thus in a database with more than 9 people, multiple people with have the same masked social security number, rendering the masked number meaningless and therefore independent.

The rejections are maintained.

***Conclusion***

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliza Squires whose telephone number is (571)270-7052. The examiner can normally be reached on Monday through Friday 8 am - 4 pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. S./

Examiner, Art Unit 3626

12/11/08

/C Luke Gilligan/

Supervisory Patent Examiner, Art Unit 3626